

PJS:MJB:all

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NORMAN N. SHELTON,	:	CIVIL NO. 4:CV-11-0368
Plaintiff	:	
	:	(Nealon, J.)
v.	:	
	:	
BLEDSON, et al.,	:	
Defendants	:	Filed Electronically

**BRIEF IN SUPPORT OF DEFENDANTS' MOTION FOR LEAVE TO FILE
A BRIEF IN EXCESS OF 15 PAGES/5,000 WORDS**

The remaining defendants, Officer Whittaker, Lieutenant Heath, Officer Raup, Lieutenant Galletta, and Medical Examiner Potter, by and through their counsel, hereby file this brief in support of their motion to exceed the 15-page/5,000-word limit, as provided in M.D. Pa. L.R. 7.8(b), in filing a brief in support of their Motion for Summary Judgment. In support thereof, Defendants aver the following:

This is a Bivens¹ action brought by Norman N. Shelton, a federal prisoner incarcerated at the United States Penitentiary in Lewisburg, Pennsylvania ("USP

¹ Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

Lewisburg”). Shelton raises claims of Eighth Amendment violations, alleging that the remaining defendant were deliberately indifferent to his safety, used excessive force against him, and were deliberately indifferent to his serious medical needs. He also raises claims of racial discrimination. See Am. Compl. (Doc. No. 58) at 1-4.

The local rules of this Court state that no brief shall exceed 15 pages in length; however, a brief may exceed 15 pages provided that it does not exceed 5,000 words. M.D. Pa. L.R. 7.8(b)(1) and (2). The Rule further states that leave of the Court must be requested to file a brief in excess of these limits, and that a motion seeking leave to file a brief which exceeds these limits must be filed at least two working days before the brief is due. M.D. Pa. Local Rule 7.8(b)(3).

In the instant case, Defendants intend to argue in support of their motion for summary judgment that each of Shelton’s constitutional claims fail and that Defendants are entitled to qualified immunity from suit. It is not possible to set forth all of the relevant facts and fully address each of Shelton’s claims and Defendants’ defenses to them in a 15-page/5,000-word response. Accordingly, Defendants seek leave of Court to exceed these limitations.

Defendants submit that they will be able to properly address each of Shelton’s claims in a brief which is no longer than 35 pages in length. Shelton

will not be prejudiced by the granting of this motion; indeed, granting this motion should assist him in understanding all of Defendant's arguments in support of their dispositive motion.

WHEREFORE, Defendants request this Court to grant them leave to file a brief in support of their Motion for Summary Judgment which is in excess of 15 pages/5,000 words, not to exceed 35 pages.

Respectfully submitted,

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Date: December 13, 2011

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers. That on December 13, 2011, she served a copy of the attached

**BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE
A BRIEF IN EXCESS OF FIFTEEN PAGES/5,000 WORDS**

via the Court's Electronic Case Filing System ("ECF") and that the Addressee(s) listed below are filing users under the ECF system. Upon the electronic filing of a pleading or other document, the ECF system will automatically generate and send a Notice of Electronic Filing to all filing users associated with this case. Electronic service by the Court of the Notice of Electronic Filing constitutes service of the filed document, and no additional service upon the filing user is required.

Addressee(s):

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